

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT TACOMA
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12 IRON PARTNERS, LLC,)

13 Plaintiff,)

14 v.)

15 MARITIME ADMINISTRATION,)
16 UNITED STATES DEPARTMENT OF)
17 TRANSPORTATION; KAISER)
18 VENTURES, LLC; KSC RECOVERY)
19 INC.; KAISER STEEL CORPORATION;)
20 AND KAISER COMPANY, INC.,)

21 Defendants.)
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Case No. C08-5217 RBL

**STIPULATED MOTION FOR ORDER
DISMISSING STATE-LAW CLAIMS
AGAINST UNITED STATES**

NOTE ON MOTION CALENDAR:
September 30, 2008

27 Case No. C08-5217 RBL,
28 Stipulated Motion for Order Dismissing
State-Law Claims Against the United States

U.S. Department of Justice
P.O. Box 23986
Washington, D.C. 20026
Sean E. Martin
(202) 305-2492

1 Defendant Maritime Administration, United States Department of Transportation ("United
2 States"), and Plaintiff Iron Partners, LLC ("Iron Partners") respectfully request that this Court
3 enter an order pursuant to the following stipulations:

4 1. On July 16, 2008, the United States filed a motion seeking partial dismissal of the
5 environmental claims asserted against it by Iron Partners.

6 2. As part of that motion, the United States sought to dismiss Iron Partners' third and fourth
7 claims for relief, which asserted state law claims under the Model Toxics Control Act
8 ("MTCA").

9 3. The United States' motion argued that the MTCA claims must be dismissed for lack of
10 subject matter jurisdiction because the United States has not waived its sovereign
11 immunity for such claims, where, as in this case, the United States is alleged to be a former
12 owner or operator of a facility.

13 4. Iron Partners concedes that the MTCA claims against the United States must be dismissed
14 for lack of subject matter jurisdiction.

15 Therefore, the United States and Iron Partners respectfully request that this Court dismiss with
16 prejudice Iron Partners' third and fourth claims for relief against the United States.

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18 Dated this 1st day of October.

19 IT IS SO ORDERED.

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22 RONALD B. LEIGHTON
23 UNITED STATES DISTRICT JUDGE
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1 Respectfully submitted,

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